

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. In October 2000 the Department discovered in a routine quality control review that in January 2000 another individual had moved into the petitioner's home and that the petitioner and this individual shared all housing costs and purchased and prepared meals together. This individual also had SSI income, the same amount as the petitioner's and also payable to a representative payee. This individual also has some small earnings, which the Department determined to be \$50 a month.

3. Based on this information, which the petitioner does not dispute, the Department notified the petitioner (by notice dated December 15, 2000) that effective January 1, 2001 her Food Stamps would be reduced to \$10 a month to reflect the additional household member and his income.

ORDER

The Department's decision is affirmed.

REASONS

The regulations include the following definition of a Food Stamp household: "A group of individuals who live together and customarily purchase food and prepare meals together for home consumption". Food Stamp Manual (FSM) § 273.1(a)(1)(iii). The regulations also provide that the income of all household members must be included in determining eligibility. FSM § 273.9(b). SSI is specifically included under "unearned income". FSM § 273.9(b)(2). For a two-person household with incomes as found by the Department in this case the amount of monthly food stamps is \$10. Procedures Manual § P-2590D.¹

¹ Because the petitioner and her housemate are both disabled they would be allowed under the regulations to be treated as separate households provided they could show that they purchased and prepared their meals separately from each other. This would result in a higher Food Stamp allotment for both of

Inasmuch as the petitioner does not dispute the Department's determinations as to her income and household circumstances the Board is bound by law to affirm the Department's decision in this case. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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them. The petitioner is free to reapply for Food Stamps if she institutes this change in the way she and her housemate purchase and prepare meals.